

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

WILLIAM R. BRANCH,	:	CIVIL ACTION NO. 1:00-CV-1728
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
MR. RUSSIAN, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 19th day of February, 2004, upon consideration of plaintiff's motion for discovery or to compel discovery (Doc. 139), and it appearing that plaintiff has filed several motions to compel discovery following the expiration of the discovery deadline in the above-captioned action (Docs. 73, 76, 81, 119), that these motions were all denied as moot or for failure to comply with procedural rules (Docs. 75, 77, 83, 135), that defendants have filed a motion for summary judgment (Doc. 129), and that the instant motion to compel requests additional time to conduct discovery for purposes of opposing the motion for summary judgment (Docs. 139, 140), it is hereby ORDERED that:

1. The motion (Doc. 139) will be construed as a motion to permit plaintiff to conduct additional discovery for purposes of opposing the motion for summary judgment and is GRANTED as so construed. See FED. R. CIV. P. 56(e).
2. Plaintiff shall complete any additional discovery by **March 19, 2004**.

3. Plaintiff shall conduct discovery in accordance with the Federal Rules of Civil Procedure and shall apply for an order of court to compel discovery only if defendants fail or refuse to comply with a proper discovery request. See FED. R. CIV. P. 37(a). Any motion for an order of court to compel discovery must be accompanied by “a certification that [plaintiff] has in good faith conferred or attempted to confer with the party not making the disclosure in an effort to secure the disclosure without court action.” Id.
4. Plaintiff shall file any additional affidavits and exhibits in opposition to the motion for summary judgment (Doc. 129) on or before **March 31, 2004**.
5. Plaintiff may file a supplemental brief, not to exceed fifteen (15) pages, see L.R. 7.8, in opposition to the motion for summary judgment (Doc. 129) on or before **March 31, 2004**.
6. Defendants may file a reply to the brief(s) in opposition to the motion for summary judgment (Doc. 129) on or before **April 9, 2004**.
7. No further briefs with respect to the motion for summary judgment (Doc. 129) shall be filed and no further extensions of time to complete discovery or file dispositive motions shall be granted absent exceptional circumstances.
8. All previous case management and scheduling orders remain in full force and effect except as modified herein.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge